
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: Z-0779.1/08

ATTY/TYPIST: LL:rmh

BRIEF DESCRIPTION: Addressing the survivor benefits of employees who die while honorably serving in the uniformed services of the United States.

1 AN ACT Relating to the survivor benefits of employees who die while
2 honorably serving in the uniformed services of the United States; and
3 amending RCW 41.26.160, 41.26.510, 43.43.270, 43.43.295, 41.32.520,
4 41.32.805, 41.32.895, 41.35.460, 41.35.710, 41.37.250, 41.40.270,
5 41.40.700, and 41.40.835.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 **Sec. 1.** RCW 41.26.160 and 2005 c 62 s 1 are each amended to read
8 as follows:

9 (1) In the event of the duty connected death of any member who is
10 in active service, or who has vested under the provisions of RCW
11 41.26.090 with twenty or more service credit years of service, or who
12 is on duty connected disability leave or retired for duty connected
13 disability, or upon the death of a member who has left the employ of an
14 employer to enter the uniformed services of the United States and dies
15 while honorably serving in the uniformed services, the surviving spouse
16 shall become entitled, subject to RCW 41.26.162, to receive a monthly
17 allowance equal to fifty percent of the final average salary at the
18 date of death if active, or the amount of retirement allowance the
19 vested member would have received at age fifty, or the amount of the

1 retirement allowance such retired member was receiving at the time of
2 death if retired for duty connected disability. The amount of this
3 allowance will be increased five percent of final average salary for
4 each child as defined in RCW 41.26.030(7), subject to a maximum
5 combined allowance of sixty percent of final average salary: PROVIDED,
6 That if the child or children is or are in the care of a legal
7 guardian, payment of the increase attributable to each child will be
8 made to the child's legal guardian or, in the absence of a legal
9 guardian and if the member has created a trust for the benefit of the
10 child or children, payment of the increase attributable to each child
11 will be made to the trust.

12 (2) If at the time of the duty connected death of a vested member
13 with twenty or more service credit years of service as provided in
14 subsection (1) of this section or a member retired for duty connected
15 disability, or at the time of the death of a member who has left the
16 employ of an employer to enter the uniformed services of the United
17 States and dies while honorably serving in the uniformed services, the
18 surviving spouse has not been lawfully married to such member for one
19 year prior to retirement or separation from service if a vested member,
20 the surviving spouse shall not be eligible to receive the benefits
21 under this section: PROVIDED, That if a member dies as a result of a
22 disability incurred in the line of duty or while honorably serving in
23 the uniformed services, then if he or she was married at the time he or
24 she was disabled or left the employ of an employer to serve in the
25 uniformed services of the United States, the surviving spouse shall be
26 eligible to receive the benefits under this section.

27 (3) If there be no surviving spouse eligible to receive benefits at
28 the time of such member's duty connected death, then the child or
29 children of such member shall receive a monthly allowance equal to
30 thirty percent of final average salary for one child and an additional
31 ten percent for each additional child subject to a maximum combined
32 payment, under this subsection, of sixty percent of final average
33 salary. When there cease to be any eligible children as defined in RCW
34 41.26.030(7), there shall be paid to the legal heirs of the member the
35 excess, if any, of accumulated contributions of the member at the time
36 of death over all payments made to survivors on his or her behalf under
37 this chapter: PROVIDED, That payments under this subsection to

1 children shall be prorated equally among the children, if more than
2 one. If the member has created a trust for the benefit of the child or
3 children, the payment shall be made to the trust.

4 (4) In the event that there is no surviving spouse eligible to
5 receive benefits under this section, and that there be no child or
6 children eligible to receive benefits under this section, then the
7 accumulated contributions shall be paid to the estate of the member.

8 (5) If a surviving spouse receiving benefits under this section
9 remarries after June 13, 2002, the surviving spouse shall continue to
10 receive the benefits under this section.

11 (6) If a surviving spouse receiving benefits under the provisions
12 of this section thereafter dies and there are children as defined in
13 RCW 41.26.030(7), payment to the spouse shall cease and the child or
14 children shall receive the benefits as provided in subsection (3) of
15 this section.

16 (7) The payment provided by this section shall become due the day
17 following the date of death and payments shall be retroactive to that
18 date.

19 **Sec. 2.** RCW 41.26.510 and 2006 c 345 s 1 are each amended to read
20 as follows:

21 (1) Except as provided in RCW 11.07.010, if a member or a vested
22 member who has not completed at least ten years of service dies, the
23 amount of the accumulated contributions standing to such member's
24 credit in the retirement system at the time of such member's death,
25 less any amount identified as owing to an obligee upon withdrawal of
26 accumulated contributions pursuant to a court order filed under RCW
27 41.50.670, shall be paid to the member's estate, or such person or
28 persons, trust, or organization as the member shall have nominated by
29 written designation duly executed and filed with the department. If
30 there be no such designated person or persons still living at the time
31 of the member's death, such member's accumulated contributions standing
32 to such member's credit in the retirement system, less any amount
33 identified as owing to an obligee upon withdrawal of accumulated
34 contributions pursuant to a court order filed under RCW 41.50.670,
35 shall be paid to the member's surviving spouse as if in fact such
36 spouse had been nominated by written designation, or if there be no
37 such surviving spouse, then to such member's legal representatives.

1 (2) If a member who is eligible for retirement or a member who has
2 completed at least ten years of service dies, the surviving spouse or
3 eligible child or children shall elect to receive either:

4 (a) A retirement allowance computed as provided for in RCW
5 41.26.430, actuarially reduced by the amount of any lump sum benefit
6 identified as owing to an obligee upon withdrawal of accumulated
7 contributions pursuant to a court order filed under RCW 41.50.670 and
8 actuarially adjusted to reflect a joint and one hundred percent
9 survivor option under RCW 41.26.460 and if the member was not eligible
10 for normal retirement at the date of death a further reduction as
11 described in RCW 41.26.430; if a surviving spouse who is receiving a
12 retirement allowance dies leaving a child or children of the member
13 under the age of majority, then such child or children shall continue
14 to receive an allowance in an amount equal to that which was being
15 received by the surviving spouse, share and share alike, until such
16 child or children reach the age of majority; if there is no surviving
17 spouse eligible to receive an allowance at the time of the member's
18 death, such member's child or children under the age of majority shall
19 receive an allowance share and share alike calculated as herein
20 provided making the assumption that the ages of the spouse and member
21 were equal at the time of the member's death; or

22 (b)(i) The member's accumulated contributions, less any amount
23 identified as owing to an obligee upon withdrawal of accumulated
24 contributions pursuant to a court order filed under RCW 41.50.670; or

25 (ii) If the member dies on or after July 25, 1993, one hundred
26 fifty percent of the member's accumulated contributions, less any
27 amount identified as owing to an obligee upon withdrawal of accumulated
28 contributions pursuant to a court order filed under RCW 41.50.670. Any
29 accumulated contributions attributable to restorations made under RCW
30 41.50.165(2) shall be refunded at one hundred percent.

31 (3) If a member who is eligible for retirement or a member who has
32 completed at least ten years of service dies after October 1, 1977, and
33 is not survived by a spouse or an eligible child, then the accumulated
34 contributions standing to the member's credit, less any amount
35 identified as owing to an obligee upon withdrawal of accumulated
36 contributions pursuant to a court order filed under RCW 41.50.670,
37 shall be paid:

1 (a) To an estate, a person or persons, trust, or organization as
2 the member shall have nominated by written designation duly executed
3 and filed with the department; or

4 (b) If there is no such designated person or persons still living
5 at the time of the member's death, then to the member's legal
6 representatives.

7 (4) The retirement allowance of a member who is killed in the
8 course of employment, as determined by the director of the department
9 of labor and industries, or the retirement allowance of a member who
10 has left the employ of an employer to enter the uniformed services of
11 the United States and dies while honorably serving in the uniformed
12 services, is not subject to an actuarial reduction. The member's
13 retirement allowance is computed under RCW 41.26.420.

14 (5) The retirement allowance paid to the spouse and dependent
15 children of a member who is killed in the course of employment, as set
16 forth in RCW 41.05.011(14), shall include reimbursement for any
17 payments of premium rates to the Washington state health care authority
18 pursuant to RCW 41.05.080.

19 **Sec. 3.** RCW 43.43.270 and 2006 c 94 s 1 are each amended to read
20 as follows:

21 For members commissioned prior to January 1, 2003:

22 (1) The normal form of retirement allowance shall be an allowance
23 which shall continue as long as the member lives.

24 (2) If a member should die while in service, or a member leaves the
25 employ of the employer to enter the uniformed services of the United
26 States and dies while honorably serving in the uniformed services, the
27 member's lawful spouse shall be paid an allowance which shall be equal
28 to fifty percent of the average final salary of the member. If the
29 member should die after retirement the member's lawful spouse shall be
30 paid an allowance which shall be equal to the retirement allowance then
31 payable to the member or fifty percent of the final average salary used
32 in computing the member's retirement allowance, whichever is less. The
33 allowance paid to the lawful spouse shall continue as long as the
34 spouse lives: PROVIDED, That if a surviving spouse who is receiving
35 benefits under this subsection marries another member of this
36 retirement system who subsequently predeceases such spouse, the spouse
37 shall then be entitled to receive the higher of the two survivors'

allowances for which eligibility requirements were met, but a surviving spouse shall not receive more than one survivor's allowance from this system at the same time under this subsection. To be eligible for an allowance the lawful surviving spouse of a retired member shall have been married to the member prior to the member's retirement and continuously thereafter until the date of the member's death or shall have been married to the retired member at least two years prior to the member's death. The allowance paid to the lawful spouse may be divided with an ex spouse of the member by a dissolution order as defined in RCW 41.50.500(3) incident to a divorce occurring after July 1, 2002. The dissolution order must specifically divide both the member's benefit and any spousal survivor benefit, and must fully comply with RCW 41.50.670 and 41.50.700.

(3) If a member should die, either while in service or after retirement, the member's surviving unmarried children under the age of eighteen years shall be provided for in the following manner:

(a) If there is a surviving spouse, each child shall be entitled to a benefit equal to five percent of the final average salary of the member or retired member. The combined benefits to the surviving spouse and all children shall not exceed sixty percent of the final average salary of the member or retired member; and

(b) If there is no surviving spouse or the spouse should die, the child or children shall be entitled to a benefit equal to thirty percent of the final average salary of the member or retired member for one child and an additional ten percent for each additional child. The combined benefits to the children under this subsection shall not exceed sixty percent of the final average salary of the member or retired member. Payments under this subsection shall be prorated equally among the children, if more than one.

(4) If a member should die in the line of duty while employed by the Washington state patrol, or a member leaves the employ of the employer to enter the uniformed services of the United States and dies while honorably serving in the uniformed services, the member's surviving children under the age of twenty years and eleven months if attending any high school, college, university, or vocational or other educational institution accredited or approved by the state of Washington shall be provided for in the following manner:

1 (a) If there is a surviving spouse, each child shall be entitled to
2 a benefit equal to five percent of the final average salary of the
3 member. The combined benefits to the surviving spouse and all children
4 shall not exceed sixty percent of the final average salary of the
5 member;

6 (b) If there is no surviving spouse or the spouse should die, the
7 unmarried child or children shall be entitled to receive a benefit
8 equal to thirty percent of the final average salary of the member or
9 retired member for one child and an additional ten percent for each
10 additional child. The combined benefits to the children under this
11 subsection shall not exceed sixty percent of the final average salary.
12 Payments under this subsection shall be prorated equally among the
13 children, if more than one; and

14 (c) If a beneficiary under this subsection reaches the age of
15 twenty-one years during the middle of a term of enrollment the benefit
16 shall continue until the end of that term.

17 (5)(a) The provisions of this section shall apply to members who
18 have been retired on disability as provided in RCW 43.43.040 if the
19 officer was a member of the Washington state patrol retirement system
20 at the time of such disability retirement.

21 (b) For the purposes of this subsection, average final salary as
22 used in subsection (2) of this section means:

23 (i) For members commissioned prior to January 1, 2003, the average
24 monthly salary received by active members of the patrol of the rank at
25 which the member became disabled, during the two years prior to the
26 death of the disabled member; and

27 (ii) For members commissioned on or after January 1, 2003, the
28 average monthly salary received by active members of the patrol of the
29 rank at which the member became disabled, during the five years prior
30 to the death of the disabled member.

31 (c) The changes to the definitions of average final salary for the
32 survivors of disabled members in this subsection shall apply
33 retroactively. The department shall correct future payments to
34 eligible survivors of members disabled prior to June 7, 2006, and, as
35 soon as administratively practicable, pay each survivor a lump sum
36 payment reflecting the difference, as determined by the director,
37 between the survivor benefits previously received by the member, and

1 those the member would have received under the definitions of average
2 final salary created in chapter 94, Laws of 2006.

3 **Sec. 4.** RCW 43.43.295 and 2004 c 171 s 1 are each amended to read
4 as follows:

5 (1) For members commissioned on or after January 1, 2003, except as
6 provided in RCW 11.07.010, if a member or a vested member who has not
7 completed at least ten years of service dies, the amount of the
8 accumulated contributions standing to such member's credit in the
9 retirement system at the time of such member's death, less any amount
10 identified as owing to an obligee upon withdrawal of accumulated
11 contributions pursuant to a court order filed under RCW 41.50.670,
12 shall be paid to the member's estate, or such person or persons, trust,
13 or organization as the member shall have nominated by written
14 designation duly executed and filed with the department. If there be
15 no such designated person or persons still living at the time of the
16 member's death, such member's accumulated contributions standing to
17 such member's credit in the retirement system, less any amount
18 identified as owing to an obligee upon withdrawal of accumulated
19 contributions pursuant to a court order filed under RCW 41.50.670,
20 shall be paid to the member's surviving spouse as if in fact such
21 spouse had been nominated by written designation, or if there be no
22 such surviving spouse, then to such member's legal representatives.

23 (2) If a member who is eligible for retirement or a member who has
24 completed at least ten years of service dies, the surviving spouse or
25 eligible child or children shall elect to receive either:

26 (a) A retirement allowance computed as provided for in RCW
27 43.43.260, actuarially reduced, except under subsection (4) of this
28 section, by the amount of any lump sum benefit identified as owing to
29 an obligee upon withdrawal of accumulated contributions pursuant to a
30 court order filed under RCW 41.50.670 and actuarially adjusted to
31 reflect a joint and one hundred percent survivor option under RCW
32 43.43.278 and if the member was not eligible for normal retirement at
33 the date of death a further reduction from age fifty-five or when the
34 member could have attained twenty-five years of service, whichever is
35 less; if a surviving spouse who is receiving a retirement allowance
36 dies leaving a child or children of the member under the age of
37 majority, then such child or children shall continue to receive an

1 allowance in an amount equal to that which was being received by the
2 surviving spouse, share and share alike, until such child or children
3 reach the age of majority; if there is no surviving spouse eligible to
4 receive an allowance at the time of the member's death, such member's
5 child or children under the age of majority shall receive an allowance
6 share and share alike calculated under this section making the
7 assumption that the ages of the spouse and member were equal at the
8 time of the member's death; or

9 (b)(i) The member's accumulated contributions, less any amount
10 identified as owing to an obligee upon withdrawal of accumulated
11 contributions pursuant to a court order filed under RCW 41.50.670; or

12 (ii) If the member dies, one hundred fifty percent of the member's
13 accumulated contributions, less any amount identified as owing to an
14 obligee upon withdrawal of accumulated contributions pursuant to a
15 court order filed under RCW 41.50.670. Any accumulated contributions
16 attributable to restorations made under RCW 41.50.165(2) shall be
17 refunded at one hundred percent.

18 (3) If a member who is eligible for retirement or a member who has
19 completed at least ten years of service dies, and is not survived by a
20 spouse or an eligible child, then the accumulated contributions
21 standing to the member's credit, less any amount identified as owing to
22 an obligee upon withdrawal of accumulated contributions pursuant to a
23 court order filed under RCW 41.50.670, shall be paid:

24 (a) To an estate, a person or persons, trust, or organization as
25 the member shall have nominated by written designation duly executed
26 and filed with the department; or

27 (b) If there is no such designated person or persons still living
28 at the time of the member's death, then to the member's legal
29 representatives.

30 (4) The retirement allowance of a member who is killed in the
31 course of employment, as determined by the director of the department
32 of labor and industries, or the retirement allowance of a member who
33 has left the employ of an employer to enter the uniformed services of
34 the United States and dies while honorably serving in the uniformed
35 services, is not subject to an actuarial reduction.

36 **Sec. 5.** RCW 41.32.520 and 2003 c 155 s 1 are each amended to read
37 as follows:

(1) Except as specified in subsection (3) of this section, upon receipt of proper proofs of death of any member before retirement or before the first installment of his or her retirement allowance shall become due his or her accumulated contributions, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, and/or other benefits payable upon his or her death shall be paid to his or her estate or to such persons, trust, or organization as he or she shall have nominated by written designation duly executed and filed with the department. If a member fails to file a new beneficiary designation subsequent to marriage, divorce, or reestablishment of membership following termination by withdrawal, lapsation, or retirement, payment of his or her accumulated contributions, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, and/or other benefits upon death before retirement shall be made to the surviving spouse, if any; otherwise, to his or her estate. If a member had established ten or more years of Washington membership service credit or was eligible for retirement, the beneficiary or the surviving spouse if otherwise eligible may elect, in lieu of a cash refund of the member's accumulated contributions, the following survivor benefit plan actuarially reduced, except under subsection (4) of this section, by the amount of any lump sum benefit identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670:

(a) A widow or widower, without a child or children under eighteen years of age, may elect a monthly payment of fifty dollars to become effective at age fifty, provided the member had fifteen or more years of Washington membership service credit. A benefit paid under this subsection (1)(a) shall terminate at the marriage of the beneficiary.

(b) The beneficiary, if a surviving spouse or a dependent (as that term is used in computing the dependent exemption for federal internal revenue purposes) may elect to receive a joint and one hundred percent retirement allowance under RCW 41.32.530.

(i) In the case of a dependent child the allowance shall continue until attainment of majority or so long as the department judges that the circumstances which created his or her dependent status continue to exist. In any case, if at the time dependent status ceases, an amount

1 equal to the amount of accumulated contributions of the deceased member
2 has not been paid to the beneficiary, the remainder shall then be paid
3 in a lump sum to the beneficiary.

4 (ii) If at the time of death, the member was not then qualified for
5 a service retirement allowance, the benefit shall be based upon the
6 actuarial equivalent of the sum necessary to pay the accrued regular
7 retirement allowance commencing when the deceased member would have
8 first qualified for a service retirement allowance.

9 (2) If no qualified beneficiary survives a member, at his or her
10 death his or her accumulated contributions, less any amount identified
11 as owing to an obligee upon withdrawal of accumulated contributions
12 pursuant to a court order filed under RCW 41.50.670, shall be paid to
13 his or her estate, or his or her dependents may qualify for survivor
14 benefits under benefit plan (1)(b) in lieu of a cash refund of the
15 members accumulated contributions in the following order: Widow or
16 widower, guardian of a dependent child or children under age eighteen,
17 or dependent parent or parents.

18 (3) If a member dies within sixty days following application for
19 disability retirement under RCW 41.32.550, the beneficiary named in the
20 application may elect to receive the benefit provided by:

21 (a) This section; or

22 (b) RCW 41.32.550, according to the option chosen under RCW
23 41.32.530 in the disability application.

24 (4) The retirement allowance of a member who is killed in the
25 course of employment, as determined by the director of the department
26 of labor and industries, or the retirement allowance of a member who
27 has left the employ of an employer to enter the uniformed services of
28 the United States and dies while honorably serving in the uniformed
29 services, is not subject to an actuarial reduction. The member's
30 retirement allowance is computed under RCW 41.32.480.

31 **Sec. 6.** RCW 41.32.805 and 2003 c 155 s 2 are each amended to read
32 as follows:

33 (1) Except as provided in RCW 11.07.010, if a member or a vested
34 member who has not completed at least ten years of service dies, the
35 amount of the accumulated contributions standing to such member's
36 credit in the retirement system, less any amount identified as owing to
37 an obligee upon withdrawal of accumulated contributions pursuant to a

1 court order filed under RCW 41.50.670, at the time of such member's
2 death shall be paid to the member's estate, or such person or persons,
3 trust, or organization as the member shall have nominated by written
4 designation duly executed and filed with the department. If there be
5 no such designated person or persons still living at the time of the
6 member's death, such member's accumulated contributions standing to
7 such member's credit in the retirement system, less any amount
8 identified as owing to an obligee upon withdrawal of accumulated
9 contributions pursuant to a court order filed under RCW 41.50.670,
10 shall be paid to the member's surviving spouse as if in fact such
11 spouse had been nominated by written designation, or if there be no
12 such surviving spouse, then to such member's legal representatives.

13 (2) If a member who is eligible for retirement or a member who has
14 completed at least ten years of service dies, the surviving spouse or
15 eligible children shall elect to receive either:

16 (a) A retirement allowance computed as provided for in RCW
17 41.32.765, actuarially reduced by the amount of any lump sum benefit
18 identified as owing to an obligee upon withdrawal of accumulated
19 contributions pursuant to a court order filed under RCW 41.50.670 and
20 actuarially adjusted to reflect a joint and one hundred percent
21 survivor option under RCW 41.32.785 and, except under subsection (4) of
22 this section, if the member was not eligible for normal retirement at
23 the date of death a further reduction as described in RCW 41.32.765; if
24 a surviving spouse who is receiving a retirement allowance dies leaving
25 a child or children of the member under the age of majority, then such
26 child or children shall continue to receive an allowance in an amount
27 equal to that which was being received by the surviving spouse, share
28 and share alike, until such child or children reach the age of
29 majority; if there is no surviving spouse eligible to receive an
30 allowance at the time of the member's death, such member's child or
31 children under the age of majority shall receive an allowance share and
32 share alike calculated as herein provided making the assumption that
33 the ages of the spouse and member were equal at the time of the
34 member's death; or

35 (b) The member's accumulated contributions, less any amount
36 identified as owing to an obligee upon withdrawal of accumulated
37 contributions pursuant to a court order filed under RCW 41.50.670.

1 (3) If a member who is eligible for retirement or a member who has
2 completed at least ten years of service dies after October 1, 1977, and
3 is not survived by a spouse or an eligible child, then the accumulated
4 contributions standing to the member's credit, less any amount
5 identified as owing to an obligee upon withdrawal of accumulated
6 contributions pursuant to a court order filed under RCW 41.50.670,
7 shall be paid:

8 (a) To an estate, a person or persons, trust, or organization as
9 the member shall have nominated by written designation duly executed
10 and filed with the department; or

11 (b) If there is no such designated person or persons still living
12 at the time of the member's death, then to the member's legal
13 representatives.

14 (4) A member who is killed in the course of employment, as
15 determined by the director of the department of labor and industries,
16 or a member who has left the employ of an employer to enter the
17 uniformed services of the United States and dies while honorably
18 serving in the uniformed services, is not subject to an actuarial
19 reduction under RCW 41.32.765. The member's retirement allowance is
20 computed under RCW 41.32.760.

21 **Sec. 7.** RCW 41.32.895 and 2003 c 155 s 3 are each amended to read
22 as follows:

23 (1) If a member dies prior to retirement, the surviving spouse or
24 eligible child or children shall receive a retirement allowance
25 computed as provided in RCW 41.32.851 actuarially reduced to reflect a
26 joint and one hundred percent survivor option and, except under
27 subsection (2) of this section, if the member was not eligible for
28 normal retirement at the date of death a further reduction as described
29 in RCW 41.32.875.

30 If the surviving spouse who is receiving the retirement allowance
31 dies leaving a child or children under the age of majority, then such
32 child or children shall continue to receive an allowance in an amount
33 equal to that which was being received by the surviving spouse, share
34 and share alike, until such child or children reach the age of
35 majority.

36 If there is no surviving spouse eligible to receive an allowance at
37 the time of the member's death, such member's child or children under

1 the age of majority shall receive an allowance, share and share alike.
2 The allowance shall be calculated with the assumption that the age of
3 the spouse and member were equal at the time of the member's death.

4 (2) A member who is killed in the course of employment, as
5 determined by the director of the department of labor and industries,
6 or a member who has left the employ of an employer to enter the
7 uniformed services of the United States and dies while honorably
8 serving in the uniformed services, is not subject to an actuarial
9 reduction under RCW 41.32.875. The member's retirement allowance is
10 computed under RCW 41.32.840.

11 **Sec. 8.** RCW 41.35.460 and 2003 c 155 s 4 are each amended to read
12 as follows:

13 (1) Except as provided in RCW 11.07.010, if a member or a vested
14 member who has not completed at least ten years of service dies, the
15 amount of the accumulated contributions standing to such member's
16 credit in the retirement system at the time of such member's death,
17 less any amount identified as owing to an obligee upon withdrawal of
18 accumulated contributions pursuant to a court order filed under RCW
19 41.50.670, shall be paid to the member's estate, or such person or
20 persons, trust, or organization as the member shall have nominated by
21 written designation duly executed and filed with the department. If
22 there be no such designated person or persons still living at the time
23 of the member's death, such member's accumulated contributions standing
24 to such member's credit in the retirement system, less any amount
25 identified as owing to an obligee upon withdrawal of accumulated
26 contributions pursuant to a court order filed under RCW 41.50.670,
27 shall be paid to the member's surviving spouse as if in fact such
28 spouse had been nominated by written designation, or if there be no
29 such surviving spouse, then to such member's legal representatives.

30 (2) If a member who is eligible for retirement or a member who has
31 completed at least ten years of service dies, the surviving spouse or
32 eligible child or children shall elect to receive either:

33 (a) A retirement allowance computed as provided for in RCW
34 41.35.420, actuarially reduced by the amount of any lump sum benefit
35 identified as owing to an obligee upon withdrawal of accumulated
36 contributions pursuant to a court order filed under RCW 41.50.670 and
37 actuarially adjusted to reflect a joint and one hundred percent

1 survivor option under RCW 41.35.220 and, except under subsection (4) of
2 this section, if the member was not eligible for normal retirement at
3 the date of death a further reduction as described in RCW 41.35.420; if
4 a surviving spouse who is receiving a retirement allowance dies leaving
5 a child or children of the member under the age of majority, then such
6 child or children shall continue to receive an allowance in an amount
7 equal to that which was being received by the surviving spouse, share
8 and share alike, until such child or children reach the age of
9 majority; if there is no surviving spouse eligible to receive an
10 allowance at the time of the member's death, such member's child or
11 children under the age of majority shall receive an allowance, share
12 and share alike, calculated as herein provided making the assumption
13 that the ages of the spouse and member were equal at the time of the
14 member's death; or

15 (b) The member's accumulated contributions, less any amount
16 identified as owing to an obligee upon withdrawal of accumulated
17 contributions pursuant to a court order filed under RCW 41.50.670.

18 (3) If a member who is eligible for retirement or a member who has
19 completed at least ten years of service dies and is not survived by a
20 spouse or an eligible child, then the accumulated contributions
21 standing to the member's credit, less any amount identified as owing to
22 an obligee upon withdrawal of accumulated contributions pursuant to a
23 court order filed under RCW 41.50.670, shall be paid:

24 (a) To a person or persons, estate, trust, or organization as the
25 member shall have nominated by written designation duly executed and
26 filed with the department; or

27 (b) If there is no such designated person or persons still living
28 at the time of the member's death, then to the member's legal
29 representatives.

30 (4) A member who is killed in the course of employment, as
31 determined by the director of the department of labor and industries,
32 or a member who has left the employ of an employer to enter the
33 uniformed services of the United States and dies while honorably
34 serving in the uniformed services, is not subject to an actuarial
35 reduction under RCW 41.35.420. The member's retirement allowance is
36 computed under RCW 41.35.400.

1 **Sec. 9.** RCW 41.35.710 and 2003 c 155 s 5 are each amended to read
2 as follows:

3 (1) If a member dies prior to retirement, the surviving spouse or
4 eligible child or children shall receive a retirement allowance
5 computed as provided in RCW 41.35.620 actuarially reduced to reflect a
6 joint and one hundred percent survivor option and, except under
7 subsection (2) of this section, if the member was not eligible for
8 normal retirement at the date of death a further reduction as described
9 in RCW 41.35.680.

10 If the surviving spouse who is receiving the retirement allowance
11 dies leaving a child or children under the age of majority, then such
12 child or children shall continue to receive an allowance in an amount
13 equal to that which was being received by the surviving spouse, share
14 and share alike, until such child or children reach the age of
15 majority.

16 If there is no surviving spouse eligible to receive an allowance at
17 the time of the member's death, such member's child or children under
18 the age of majority shall receive an allowance, share and share alike.
19 The allowance shall be calculated with the assumption that the age of
20 the spouse and member were equal at the time of the member's death.

21 (2) A member who is killed in the course of employment, as
22 determined by the director of the department of labor and industries,
23 or a member who has left the employ of an employer to enter the
24 uniformed services of the United States and dies while honorably
25 serving in the uniformed services, is not subject to an actuarial
26 reduction under RCW 41.35.680. The member's retirement allowance is
27 computed under RCW 41.35.620.

28 **Sec. 10.** RCW 41.37.250 and 2005 c 327 s 7 are each amended to read
29 as follows:

30 (1) Except as provided in RCW 11.07.010, if a member or a vested
31 member who has not completed at least ten years of service dies, the
32 amount of the accumulated contributions standing to that member's
33 credit in the retirement system at the time of the member's death, less
34 any amount identified as owing to an obligee upon withdrawal of
35 accumulated contributions pursuant to a court order filed under RCW
36 41.50.670, shall be paid to the member's estate, or the person or
37 persons, trust, or organization as the member shall have nominated by

1 written designation duly executed and filed with the department. If
2 there is no designated person or persons still living at the time of
3 the member's death, the member's accumulated contributions standing to
4 the member's credit in the retirement system, less any amount
5 identified as owing to an obligee upon withdrawal of accumulated
6 contributions pursuant to a court order filed under RCW 41.50.670,
7 shall be paid to the member's surviving spouse as if in fact that
8 spouse had been nominated by written designation, or if there is no
9 surviving spouse, then to the member's legal representatives.

10 (2) If a member who is eligible for retirement or a member who has
11 completed at least ten years of service dies, the surviving spouse or
12 eligible child or children shall elect to receive either:

13 (a) A retirement allowance computed as provided for in RCW
14 41.37.210, actuarially reduced by the amount of any lump sum benefit
15 identified as owing to an obligee upon withdrawal of accumulated
16 contributions pursuant to a court order filed under RCW 41.50.670 and
17 actuarially adjusted to reflect a joint and one hundred percent
18 survivor option under RCW 41.37.170 and, except under subsection (4) of
19 this section, if the member was not eligible for normal retirement at
20 the date of death a further reduction as described in RCW 41.37.210; if
21 a surviving spouse who is receiving a retirement allowance dies leaving
22 a child or children of the member under the age of majority, then the
23 child or children shall continue to receive an allowance in an amount
24 equal to that which was being received by the surviving spouse, share
25 and share alike, until the child or children reach the age of majority;
26 if there is no surviving spouse eligible to receive an allowance at the
27 time of the member's death, the member's child or children under the
28 age of majority shall receive an allowance, share and share alike,
29 calculated under this section making the assumption that the ages of
30 the spouse and member were equal at the time of the member's death; or
31 (b) The member's accumulated contributions, less any amount
32 identified as owing to an obligee upon withdrawal of accumulated
33 contributions pursuant to a court order filed under RCW 41.50.670.

34 (3) If a member who is eligible for retirement or a member who has
35 completed at least ten years of service dies and is not survived by a
36 spouse or an eligible child, then the accumulated contributions
37 standing to the member's credit, less any amount identified as owing to

1 an obligee upon withdrawal of accumulated contributions pursuant to a
2 court order filed under RCW 41.50.670, shall be paid:

3 (a) To a person or persons, estate, trust, or organization as the
4 member shall have nominated by written designation duly executed and
5 filed with the department; or

6 (b) If there is no designated person or persons still living at the
7 time of the member's death, then to the member's legal representatives.

8 (4) A member who is killed in the course of employment, as
9 determined by the director of the department of labor and industries,
10 or a member who has left the employ of an employer to enter the
11 uniformed services of the United States and dies while honorably
12 serving in the uniformed services, is not subject to reduction under
13 RCW 41.37.210. The member's retirement allowance is computed under RCW
14 41.37.190.

15 **Sec. 11.** RCW 41.40.270 and 2003 c 155 s 6 are each amended to read
16 as follows:

17 (1) Except as specified in subsection (4) of this section, should
18 a member die before the date of retirement the amount of the
19 accumulated contributions standing to the member's credit in the
20 employees' savings fund, less any amount identified as owing to an
21 obligee upon withdrawal of accumulated contributions pursuant to a
22 court order filed under RCW 41.50.670, at the time of death:

23 (a) Shall be paid to the member's estate, or such person or
24 persons, trust, or organization as the member shall have nominated by
25 written designation duly executed and filed with the department; or

26 (b) If there be no such designated person or persons still living
27 at the time of the member's death, or if a member fails to file a new
28 beneficiary designation subsequent to marriage, remarriage, dissolution
29 of marriage, divorce, or reestablishment of membership following
30 termination by withdrawal or retirement, such accumulated
31 contributions, less any amount identified as owing to an obligee upon
32 withdrawal of accumulated contributions pursuant to a court order filed
33 under RCW 41.50.670, shall be paid to the surviving spouse as if in
34 fact such spouse had been nominated by written designation as
35 aforesaid, or if there be no such surviving spouse, then to the
36 member's legal representatives.

(2) Upon the death in service, or while on authorized leave of absence for a period not to exceed one hundred and twenty days from the date of payroll separation, of any member who is qualified but has not applied for a service retirement allowance or has completed ten years of service at the time of death, the designated beneficiary, or the surviving spouse as provided in subsection (1) of this section, may elect to waive the payment provided by subsection (1) of this section. Upon such an election, a joint and one hundred percent survivor option under RCW 41.40.188, calculated under the retirement allowance described in RCW 41.40.185 or 41.40.190, whichever is greater, actuarially reduced, except under subsection (5) of this section, by the amount of any lump sum benefit identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670 shall automatically be given effect as if selected for the benefit of the designated beneficiary. If the member is not then qualified for a service retirement allowance, such benefit shall be based upon the actuarial equivalent of the sum necessary to pay the accrued regular retirement allowance commencing when the deceased member would have first qualified for a service retirement allowance.

(3) Subsection (1) of this section, unless elected, shall not apply to any member who has applied for service retirement in RCW 41.40.180, as now or hereafter amended, and thereafter dies between the date of separation from service and the member's effective retirement date, where the member has selected a survivorship option under RCW 41.40.188. In those cases the beneficiary named in the member's final application for service retirement may elect to receive either a cash refund, less any amount identified as owing to an obligee upon withdrawal of accumulated contributions pursuant to a court order filed under RCW 41.50.670, or monthly payments according to the option selected by the member.

(4) If a member dies within sixty days following application for disability retirement under RCW 41.40.230, the beneficiary named in the application may elect to receive the benefit provided by:

- (a) This section; or
- (b) RCW 41.40.235, according to the option chosen under RCW 41.40.188 in the disability application.

1 (5) The retirement allowance of a member who is killed in the
2 course of employment, as determined by the director of the department
3 of labor and industries, or the retirement allowance of a member who
4 has left the employ of an employer to enter the uniformed services of
5 the United States and dies while honorably serving in the uniformed
6 services, is not subject to an actuarial reduction. The member's
7 retirement allowance is computed under RCW 41.40.185.

8 **Sec. 12.** RCW 41.40.700 and 2007 c 487 s 8 are each amended to read
9 as follows:

10 (1) Except as provided in RCW 11.07.010, if a member or a vested
11 member who has not completed at least ten years of service dies, the
12 amount of the accumulated contributions standing to such member's
13 credit in the retirement system at the time of such member's death,
14 less any amount identified as owing to an obligee upon withdrawal of
15 accumulated contributions pursuant to a court order filed under RCW
16 41.50.670, shall be paid to the member's estate, or such person or
17 persons, trust, or organization as the member shall have nominated by
18 written designation duly executed and filed with the department. If
19 there be no such designated person or persons still living at the time
20 of the member's death, such member's accumulated contributions standing
21 to such member's credit in the retirement system, less any amount
22 identified as owing to an obligee upon withdrawal of accumulated
23 contributions pursuant to a court order filed under RCW 41.50.670,
24 shall be paid to the member's surviving spouse as if in fact such
25 spouse had been nominated by written designation, or if there be no
26 such surviving spouse, then to such member's legal representatives.

27 (2) If a member who is eligible for retirement or a member who has
28 completed at least ten years of service dies, the surviving spouse or
29 eligible child or children shall elect to receive one of the following:

30 (a) A retirement allowance computed as provided for in RCW
31 41.40.630, actuarially reduced by the amount of any lump sum benefit
32 identified as owing to an obligee upon withdrawal of accumulated
33 contributions pursuant to a court order filed under RCW 41.50.670 and
34 actuarially adjusted to reflect a joint and one hundred percent
35 survivor option under RCW 41.40.660 and, except under subsection (4) of
36 this section, if the member was not eligible for normal retirement at
37 the date of death a further reduction as described in RCW 41.40.630; if

1 a surviving spouse who is receiving a retirement allowance dies leaving
2 a child or children of the member under the age of majority, then such
3 child or children shall continue to receive an allowance in an amount
4 equal to that which was being received by the surviving spouse, share
5 and share alike, until such child or children reach the age of
6 majority; if there is no surviving spouse eligible to receive an
7 allowance at the time of the member's death, such member's child or
8 children under the age of majority shall receive an allowance share and
9 share alike calculated as herein provided making the assumption that
10 the ages of the spouse and member were equal at the time of the
11 member's death;

12 (b) The member's accumulated contributions, less any amount
13 identified as owing to an obligee upon withdrawal of accumulated
14 contributions pursuant to a court order filed under RCW 41.50.670; or

15 (c) For a member who leaves the employ of an employer to enter the
16 uniformed services of the United States and who dies after January 1,
17 2007, while honorably serving in the uniformed services of the United
18 States in Operation Enduring Freedom or Persian Gulf, Operation Iraqi
19 Freedom, an amount equal to two hundred percent of the member's
20 accumulated contributions, less any amount identified as owing to an
21 obligee upon withdrawal of accumulated contributions pursuant to a
22 court order filed under RCW 41.50.670.

23 (3) If a member who is eligible for retirement or a member who has
24 completed at least ten years of service dies after October 1, 1977, and
25 is not survived by a spouse or an eligible child, then the accumulated
26 contributions standing to the member's credit, less any amount
27 identified as owing to an obligee upon withdrawal of accumulated
28 contributions pursuant to a court order filed under RCW 41.50.670,
29 shall be paid:

30 (a) To a person or persons, estate, trust, or organization as the
31 member shall have nominated by written designation duly executed and
32 filed with the department; or

33 (b) If there is no such designated person or persons still living
34 at the time of the member's death, then to the member's legal
35 representatives.

36 (4) A member who is killed in the course of employment, as
37 determined by the director of the department of labor and industries,
38 or a member who has left the employ of an employer to enter the

1 uniformed services of the United States and dies while honorably
2 serving in the uniformed services, is not subject to an actuarial
3 reduction under RCW 41.40.630. The member's retirement allowance is
4 computed under RCW 41.40.620.

5 **Sec. 13.** RCW 41.40.835 and 2003 c 155 s 8 are each amended to read
6 as follows:

7 (1) If a member dies prior to retirement, the surviving spouse or
8 eligible child or children shall receive a retirement allowance
9 computed as provided in RCW 41.40.790 actuarially reduced to reflect a
10 joint and one hundred percent survivor option and, except under
11 subsection (2) of this section, if the member was not eligible for
12 normal retirement at the date of death a further reduction as described
13 in RCW 41.40.820.

14 If the surviving spouse who is receiving the retirement allowance
15 dies leaving a child or children under the age of majority, then such
16 child or children shall continue to receive an allowance in an amount
17 equal to that which was being received by the surviving spouse, share
18 and share alike, until such child or children reach the age of
19 majority.

20 If there is no surviving spouse eligible to receive an allowance at
21 the time of the member's death, such member's child or children under
22 the age of majority shall receive an allowance, share and share alike.
23 The allowance shall be calculated with the assumption that the age of
24 the spouse and member were equal at the time of the member's death.

25 (2) A member who is killed in the course of employment, as
26 determined by the director of the department of labor and industries,
27 or a member who has left the employ of an employer to enter the
28 uniformed services of the United States and dies while honorably
29 serving in the uniformed services, is not subject to an actuarial
30 reduction under RCW 41.40.820. The member's retirement allowance is
31 computed under RCW 41.40.790.

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